PATENT DFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Case No. 04-105-A (400/149) )**

In the Application of:

James McSwiggen

Serial No.: 10/824,036

Filing Date: April 14, 2004

For: RNA INTERFERENCE MEDIATED  
TREATMENT OF POLYGLUTAMINE  
(POLYQ) REPEAT EXPANSION DISEASES  
USING SHORT INTERFERING NUCLEIC  
ACID (siNA)

Examiner: TBD

Group Art Unit: 1645

Confirmation No.: 6045

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above identified new patent application:

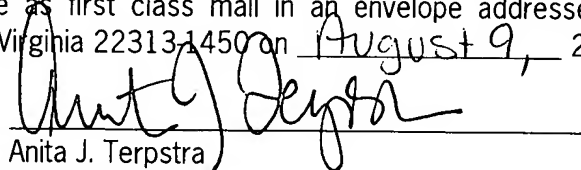
- ☒ Third Supplemental Information Disclosure Statement;
- ☒ Third Supplemental Information Disclosure Statement (IDS) PTO-1449 Form; and
- ☒ Return Receipt Postcard.

2. With respect to additional fees, no additional fee is required.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on August 9, 2005.

By :

  
Anita J. Terpstra  
Reg. No. 47,132

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**PATENT**

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(Case No. 04-105-A (400/149) )**

<b>In the Application of:</b>	)	
	)	
<b>James McSwiggen</b>	)	
	)	<b>Examiner: TBD</b>
<b>Serial No.: 10/824,036</b>	)	
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<b>(POLYQ) REPEAT EXPANSION DISEASES</b>	)	
<b>USING SHORT INTERFERING NUCLEIC</b>	)	
<b>ACID (siNA)</b>	)	

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. A partial recitation of the priority claim is as follows. This application is a continuation-in-part of U.S. Patent Application No. 10/783,128, filed February 20, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/757,803, filed January 14, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/720,448, filed November 24, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/693,059, filed October 23, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/444,853, filed May 23, 2003 and a continuation-in-part of 10/652,791, filed August 29, 2003, which is a continuation of 10/422,704, filed April 24, 2003, which is a continuation of U.S. Patent Application No. 10/417,012, filed April 16, 2003. This application is also a continuation-in-part of US Patent Application No. 10/427,160, filed April 30, 2003. All of the applications recited herein are relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 CFR §1.98(d), those references marked with an “\*\*”

have been previously cited and submitted to the Patent and Trademark Office with the prior applications. All references cited are also listed in the PTO-1449 form enclosed herewith.

The Office has waived the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. In accordance with this waiver, cited U.S. patents and U.S. patent application publications are not enclosed.

This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief is in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

Respectfully submitted,  
**McDonnell Boehnen Hulbert & Berghoff LLP**

Date: August 9, 2005

By:

Anita J. Terpstra  
Reg. No. 47,132

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FORM PTO-1449  
(Rev. 2-32)

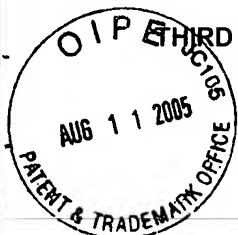
U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

Serial No.

04-105-A  
(400/1149)

10/824,036



**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

**Applicant:**

James McSwiggen

**Filing Date:**

April 14, 2004

**Group:**

1645

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	*	03/070887	08/28/03	WO (McSwiggen et al.)				
	*	03/070896	08/28/03	WO (McSwiggen et al.)				
	*	03/074654	09/12/03	WO (McSwiggen et al.)				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

	*	International Search Report for PCT/US2004/027403 mailed July 12, 2005
	*	Jen et al., "Suppression of gene Expression by Targeted Disruption of Messenger RNA: Available Options and Current Strategies," <i>Stem Cells</i> , 18:307-319 (2000)
	*	Kuwabara et al., "A C. elegans patched gene, ptc-1, functions in germ-line cytokinesis," <i>Genes and Development</i> , 14(15):1933-1944 (2000)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.